

EXHIBIT 4

Page 1

1 IN THE UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA

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4 IN RE: JUUL LABS, INC., MARKETING,:
SALES PRACTICES, AND PRODUCTS : No.
5 LIABILITY LITIGATION : 19-MD-02913-WHO
6 _____
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8 REMOTE VIDEO-RECORDED

9 DEPOSITION OF QUARRY PAK

10 Volume I

11 October 7, 2021

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20 Job No. 200253

21 Stenographically reported by:
LAURA AXELSEN, CSR NO. 6173
22 RMR, CCRR, CRR, CRC

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<p>1 deposition?</p> <p>2 A. No.</p> <p>3 Q. And did you take any notes while you were</p> <p>4 reviewing the notices of today's -- the notices for</p> <p>5 today's deposition?</p> <p>6 A. No.</p> <p>7 Q. Okay. So the first topic under the</p> <p>8 prevalence -- so this is the first topic for today,</p> <p>9 which was the -- Exhibit 1 was the notice.</p> <p>10 A. Uh-huh.</p> <p>11 Q. Is --</p> <p>12 A. Yes.</p> <p>13 Q. Your allegations regarding the impact of</p> <p>14 the youth e-cigarette crisis on plaintiff, SFUSD,</p> <p>15 so the District, in Section 5B of the complaint,</p> <p>16 including, but not limited to, the district</p> <p>17 determination that individual students are addicted</p> <p>18 to nicotine, the District determination that the</p> <p>19 plaintiff has been hit hard by the youth</p> <p>20 e-cigarette epidemic, and the District's</p> <p>21 determination that many students in District schools</p> <p>22 have been deceived by defendants' marketing and</p> <p>23 misinformation.</p> <p>24 And so, ma'am, what evidence does the</p> <p>25 District have regarding the impact of the youth</p>	<p>Page 26</p> <p>1 e-cigarette crisis on the District?</p> <p>2 A. I'm not clear what you mean by evidence.</p> <p>3 What are you asking?</p> <p>4 Q. Does the District have any data regarding</p> <p>5 the impact of the youth e-cigarette crisis on the</p> <p>6 District?</p> <p>7 MR. DOUGLAS: Object to form.</p> <p>8 THE WITNESS: I'm sorry. I didn't hear</p> <p>9 that.</p> <p>10 MR. DOUGLAS: I said object to the form,</p> <p>11 but you can answer.</p> <p>12 THE WITNESS: Oh, okay. The data we have</p> <p>13 is from a variety of sources. And we do two</p> <p>14 surveillance surveys every other year. The</p> <p>15 California Healthy Kid Survey -- actually, there's</p> <p>16 three. California Healthy Kid Survey. The Youth</p> <p>17 Risk Behavior Survey. The YRBS and CHKS. And the</p> <p>18 third one is the California Student Tobacco Survey,</p> <p>19 the CSTS. So that's the quantitative data. Those</p> <p>20 are all self-reported.</p> <p>21 We also have information from, like, our</p> <p>22 California grantors. This is California Department</p> <p>23 of Education. Uhm, they give us information about,</p> <p>24 like, trends and best practices and the issues that</p> <p>25 are coming up for our state because they work with</p>
<p>Page 28</p> <p>1 every county. And the other data that we have is</p> <p>2 student qualitative data from our student leaders,</p> <p>3 our youth outreach workers, high school students</p> <p>4 from their planning and leadership of the -- our</p> <p>5 public service announcement contests against tobacco</p> <p>6 use and vaping.</p> <p>7 MR. OSBORNE: Q. Besides the items that</p> <p>8 you listed, is there any other data that the</p> <p>9 District has regarding the impact of the youth</p> <p>10 e-cigarette crisis on the District?</p> <p>11 A. Just requests like -- or observations from</p> <p>12 our school staff. And just parents and caregivers</p> <p>13 and our community partners that were asking us for</p> <p>14 workshops on vaping or information lessons. Things</p> <p>15 like that because they were seeing that happen on</p> <p>16 their school campuses.</p> <p>17 Q. Anything else that the District has in its</p> <p>18 possession regarding the impact of the youth</p> <p>19 e-cigarette crisis on the District?</p> <p>20 A. In terms of data?</p> <p>21 Q. Yes, ma'am.</p> <p>22 A. Not that I know of.</p> <p>23 Q. Are you aware of anyone in the District who</p> <p>24 may have additional information that you've not</p> <p>25 already provided on behalf of the District --</p>	<p>Page 29</p> <p>1 A. No.</p> <p>2 Q. -- regarding data? No? Okay. So next,</p> <p>3 with respect to District's allegation that</p> <p>4 individual students are addicted to nicotine, is the</p> <p>5 District aware of any individual student that</p> <p>6 reports being addicted to nicotine?</p> <p>7 A. Yes, because they're referred for services.</p> <p>8 I couldn't share names with you. I don't know the</p> <p>9 names, and we don't record that. But they're</p> <p>10 referred for services, and that's why the schools</p> <p>11 were responding to our lessons and asking for more</p> <p>12 information.</p> <p>13 Q. Okay. So when you say they were referred</p> <p>14 for services, what do you mean by that?</p> <p>15 A. What you just asked for, the students who</p> <p>16 are addicted to nicotine.</p> <p>17 Q. Okay. But what did you mean when you said</p> <p>18 referred for services? What is that -- what do you</p> <p>19 mean by that?</p> <p>20 A. That the students were referred for</p> <p>21 services to meet with the nurse, social worker, or</p> <p>22 to, like, their provider, like, their doctor,</p> <p>23 something like that or Kaiser. Whoever their doctor</p> <p>24 might be for more support. There really is not a</p> <p>25 lot out there because it's not a lot of services for</p>

<p>1 documented in our student information system.</p> <p>2 MR. OSBORNE: Q. Is the District aware of</p> <p>3 any self report from a student that they were</p> <p>4 addicted to nicotine?</p> <p>5 A. I would say yes, we are aware of those.</p> <p>6 Those are the conversations that students have with</p> <p>7 their -- with the nurses and the providers off in</p> <p>8 the community.</p> <p>9 Q. Okay. So which -- which instance is the</p> <p>10 District aware of a student self reporting that they</p> <p>11 were addicted to nicotine?</p> <p>12 A. Any conversations with nurses or social</p> <p>13 workers or community providers.</p> <p>14 Q. Okay. So which -- which instance, as you</p> <p>15 sit here today on behalf of the District, is the</p> <p>16 District aware of an individual student in the</p> <p>17 District reporting that they were addicted to</p> <p>18 nicotine?</p> <p>19 MR. DOUGLAS: Object to form.</p> <p>20 THE WITNESS: We could -- we could see that</p> <p>21 information, experience, and encounter that</p> <p>22 information in any conversation with nurses, social</p> <p>23 workers, or community partners.</p> <p>24 MR. OSBORNE: Q. So that's -- so that's</p> <p>25 not what we're here for today. Today we're here --</p>	<p>Page 74</p> <p>1 and I'm here on behalf of Juul to ask the District</p> <p>2 questions about the information that it has. My</p> <p>3 very specific question to you on behalf of the</p> <p>4 District is, as the District is here today to</p> <p>5 testify about the information in its possession,</p> <p>6 custody, and control, what information does the</p> <p>7 District have about an individual student in the</p> <p>8 District who has ever reported that he or she was</p> <p>9 addicted to nicotine?</p> <p>10 MR. DOUGLAS: I'll object that the</p> <p>11 corporate representative does not have to know every</p> <p>12 single piece of paper or every single individual</p> <p>13 student. She can testify to the best of her</p> <p>14 knowledge, and she -- if she is knowledgeable about</p> <p>15 that topic. And that's what she's trying to do,</p> <p>16 Jonathan. She's not trying to -- to hide or conceal</p> <p>17 anything. She's telling you that she doesn't have</p> <p>18 an individual's name and she can't give you an</p> <p>19 individual's name.</p> <p>20 MR. OSBORNE: That's what you said. That's</p> <p>21 not what the witness said.</p> <p>22 MR. DOUGLAS: Well, she has said that, but</p> <p>23 I'll object to form. You can answer to the best of</p> <p>24 your ability, Quarry.</p> <p>25 THE WITNESS: Can you restate the question?</p>
<p>Page 76</p> <p>1 I'm just trying to be as accurate and representative</p> <p>2 as possible.</p> <p>3 MR. OSBORNE: No. Ms. Court Reporter,</p> <p>4 would you please read back the question.</p> <p>5 (Record read by the reporter:</p> <p>6 "QUESTION: Okay. So which -- which</p> <p>7 instance, as you sit here today on behalf of</p> <p>8 the District, is the District aware of an</p> <p>9 individual student in the District reporting</p> <p>10 that they were addicted to nicotine?")</p> <p>11 MR. DOUGLAS: Object to form.</p> <p>12 THE WITNESS: That information would be in</p> <p>13 the records of any meetings with nurses and social</p> <p>14 workers or counselors that I referred to earlier.</p> <p>15 But I do not have access or awareness. We do not</p> <p>16 keep records on individual student names and what</p> <p>17 they talk about with those providers.</p> <p>18 MR. OSBORNE: Q. But your testimony is</p> <p>19 that the records of meetings from social workers and</p> <p>20 counselors would reveal a student who self-reported</p> <p>21 that they were addicted to nicotine?</p> <p>22 A. I am saying that that information happens,</p> <p>23 conversations in the meetings, and the meetings</p> <p>24 would be documented. But I don't know -- I don't</p> <p>25 have knowledge of what exactly -- to what detail --</p>	<p>Page 77</p> <p>1 you know, what you're asking, individual students in</p> <p>2 that detail. I have to say that that kind of</p> <p>3 information is not something we ask the providers or</p> <p>4 school staff or providers to record.</p> <p>5 Q. Is the District aware of any individual</p> <p>6 student who has reported to the District that it</p> <p>7 is -- that the student is addicted to nicotine?</p> <p>8 A. We provide information and resources for</p> <p>9 our staff to address that issue. So the staff were</p> <p>10 telling us yes, they have reported that they have</p> <p>11 contact with students who do report that they are</p> <p>12 addicted. They can't stop using. They want to know</p> <p>13 more about how they can stop using, and, uhm, also</p> <p>14 our student leaders have told us that as well. And</p> <p>15 our PSAs have demonstrated, like, what they've seen</p> <p>16 in class and outside of class. Our public service</p> <p>17 announcements --</p> <p>18 Q. For the record, motion to strike as</p> <p>19 non-responsive.</p> <p>20 Ms. Pak, is the District aware of a single</p> <p>21 student who has reported to the District that they</p> <p>22 are addicted to nicotine?</p> <p>23 MR. DOUGLAS: Objection; asked and</p> <p>24 answered.</p> <p>25 THE WITNESS: I would say the District is</p>

<p>1 aware of many students who have reported this and 2 have met with social workers and nurses and 3 counselors.</p> <p>4 MR. OSBORNE: Q. Okay. Can the District 5 identify a student who has reported that they are 6 addicted to nicotine?</p> <p>7 MR. DOUGLAS: Objection; asked and 8 answered. The District doesn't have to identify 9 individual -- every individual student. That's not 10 the rule.</p> <p>11 MR. OSBORNE: Q. Mr. Douglas, if this 12 deposition is going to continue today, you have to 13 stop testifying, sir. You're taking up valuable 14 time, and we have very limited time. The 15 question --</p> <p>16 MR. DOUGLAS: Your --</p> <p>17 MR. OSBORNE: The question -- the question 18 was not an ambiguous question. The question was 19 very clear. The witness can answer the question if 20 she knows the answer. If she doesn't, she can say 21 she doesn't know and we can move on.</p> <p>22 MR. DOUGLAS: I will say this, and then I 23 will try to stop and just object to form. You keep 24 asking her the same question and she keeps giving 25 the same answer.</p>	<p>Page 78</p> <p>1 MR. OSBORNE: Q. Ms. Pak, can the 2 District identify a single student who has reported 3 that they are addicted to nicotine in the District?</p> <p>4 MR. DOUGLAS: Objection to form.</p> <p>5 THE WITNESS: My understanding of your 6 question is if we identify at least one student, and 7 I am answering that we have identified many 8 students.</p> <p>9 MR. OSBORNE: Q. Okay. So you actually 10 haven't identified any students.</p> <p>11 MR. DOUGLAS: Wait a minute. We're not 12 going to be naming students in this deposition, 13 Jonathan.</p> <p>14 MR. OSBORNE: That's a different objection. 15 That's not one you've made before.</p> <p>16 MR. DOUGLAS: Well, all right. I'm not 17 going to allow you to have her disclose names of 18 individuals. You know the --</p> <p>19 MR. OSBORNE: I didn't ask her -- 20 Mr. Douglas, I didn't ask her to identify any names. 21 I said if they could identify names. And she said 22 she's identified many. She hasn't identified any 23 students.</p> <p>24 MR. DOUGLAS: Do you want -- what is it -- 25 when you say -- when you say identify, what is it</p>
<p>Page 80</p> <p>1 that you want her to do? She said there's lots of 2 them. Do you want names?</p> <p>3 MR. OSBORNE: Q. So I'm going to stop 4 discussing this with you, sir.</p> <p>5 Ms. Pak, is the District able to identify 6 individual students who have reported to the 7 District that they are addicted to nicotine?</p> <p>8 A. I would say that we're identified that it's 9 an issue that many students have reported as well as 10 students, parents, and caregivers. And the 11 documentation that would be in there, the fact that 12 they've met with them and were referred, and we've 13 talked about those records earlier.</p> <p>14 Q. And it's your testimony that those records 15 contain self reporting from students that they're 16 addicted to nicotine?</p> <p>17 A. The records contain the fact that they've 18 met with the staff members. I don't -- I would have 19 to, like, look at the records individually to see 20 what they were documenting.</p> <p>21 Q. Okay. So without -- without reviewing the 22 records, as you sit here today, you'd be speculating 23 to say that there was a student who reported that 24 they were addicted to nicotine?</p> <p>25 MR. DOUGLAS: Object to form.</p>	<p>Page 81</p> <p>1 THE WITNESS: Again, I'm not a lawyer. I'm 2 talking about my knowledge, and it's not 3 speculation. It's the knowledge that I have from my 4 work and supervision with staff, students, and 5 teachers and -- and our partnership with communities 6 and parents and caregivers. So what I know is what 7 our policy is and what we've had reported to us and 8 how we respond. And -- and our data that we have 9 from our surveys and what we know about what 10 nicotine and teenagers -- effects of use of nicotine 11 in teenagers.</p> <p>12 And also, uhm, ENDS and vapes and Juuls and 13 tobacco and cigarettes. So all of that knowledge 14 has been discussed today and earlier. And all the 15 records with evidence that they were referred and 16 they had those meetings. The details of the records 17 I can't speak to exhaustively. I just would say 18 that they are what they are and they have been in 19 response to the needs of our students.</p> <p>20 MR. OSBORNE: Q. One of the topics for 21 today is prevalence. Uhm, Ms. Pak, is the District 22 in possession of any documents that quantify the 23 number of students who have reported that they are 24 addicted to nicotine?</p> <p>25 A. Not that I'm aware of.</p>